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February 28, 2005

MEMORANDUM

TO: Administrators, Renal Dialysis Facilities

FROM: Dennis L. Gibbs, Director
Division of Health Licensing

SUBJECT: Provider-Wide Exception – Physician Extenders

Section 403.B.3 of S.C. Code Ann. Regs. 61-97 (Supp. 2004), Standards for Licensing Renal Dialysis Facilities, requires that "Current medical records shall contain: Documentation of physician's visit, at least weekly, by either progress note or run (flow) sheet for at least one year."

The S.C. Code Ann. Section 40-33-20(41) (Supp. 2004) defines a Nurse Practitioner as, "a registered nurse who has completed an advanced formal education program at the master's level acceptable to the board, and who demonstrates advanced knowledge and skill in assessment and management of physical and psychosocial health, illness status of persons, families, and groups. Nurse practitioners who perform delegated medical acts must have a supervising physician or dentist who is readily available for consultation and shall operate within the approved written protocols."

The S.C. Code Ann. Section 40-47-910(5) (Supp. 2004) defines a physician assistant as, "a health care professional licensed to assist in the practice of medicine with a physician supervisor." Additionally, Section 40-47-935 states that a "physician assistant is an agent of his or her supervising physician in the performance of all practice related activities including, but not limited to, the ordering of diagnostic, therapeutic, and other medical services."

Such knowledge/credentials as required by state law for nurse practitioners and physician assistants are adequate for them to provide certain patient services in renal dialysis facilities that are similar to those that are also provided by physicians. Therefore, in the interest of establishing reasonable standards that can be met by providers and yet do not compromise the health and well-being of the patients of renal dialysis facilities, it has been determined that all renal dialysis facilities will be required to meet the standard outlined in the regulation, *i.e.*, R61-97, Section 403.B.3., that requires documentation of physician's visits at least weekly, or, **as an alternative:**

The facility may choose to utilize a licensed nurse practitioner and/or a licensed physician assistant as a physician extender for dialysis patient weekly visits in accordance with established scope of practice subject to supervising physician protocols and provided that a physician visits one or more times per month.

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Furthermore, as it relates to conformance with other Regulation 61-97 standards, licensed physician extenders may provide appropriate client care subject to their scope of practice as defined in South Carolina Code and within supervising physician protocols.

This exception applies to any renal dialysis facility licensed by the Department except where the Department has been finally upheld or affirmed in an enforcement action issued in accordance with S.C. Code Ann. Section 44-7-320 (2002), or otherwise finally resolved. For this class of renal dialysis facilities, the prohibition will be in effect for a period of twenty-four (24) months from the resolution date. This exception relates solely to SC licensing standards. Any adverse condition(s) that may be related to this exception may result in revocation of the exception by the Department.

If there are any questions regarding the above, please call Randy Clark at (803) 545-4230.

DLG/reI

cc: C. Earl Hunter, Commissioner, DHEC
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